

Our File No.: 400.145620

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZOLIA IGLESIAS, individually and as next friend of J.R.  
and K.R. infants,

Plaintiffs,

-against-

JOHN MATTINGLY, individually and as Commissioner,  
HELEN COLON, individually and as caseworker,  
CARYNE MORENCY, individually and as supervisor,  
TRACEY LISSIMORE, individually and as manager,  
TAMIKA MCCOY, individually and as caseworker,  
FLORENCE UBA, individually and as supervisor, LEAKE  
& WATTS SERVICES, INC., LIANNE CLARK PARRIS,  
individually and caseworker, ZOLA VIOLA, individually  
and as supervisor, COALITION FOR HISPANIC FAMILY  
SERVICES, INC., CITY OF NEW YORK, and GLADYS  
CARRION, as Commissioner,

Defendants.

-----X

TO THE CLERK OF UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK:

Please enter the appearance of Callan, Koster, Brady & Brennan, LLP as attorneys  
for the defendants, TAMIKA MCCOY, individually and as caseworker, FLORENCE UBA,  
individually and as supervisor, LEAKE & WATTS SERVICES, INC., in the above-entitled  
action.

Dated: New York, New York  
June 3, 2008

CALLAN, KOSTER, BRADY & BRENNAN, LLP

BY: \_\_\_\_\_

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Our File No.: 400.145620

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ZOLIA IGLESIAS, individually and as next friend of J.R. and  
K.R. infants,

**ANSWER**

Plaintiffs,

-against-

CIVIL ACTION  
08 CIV. 1595

JOHN MATTINGLY, individually and as Commissioner,  
HELEN COLON, individually and as caseworker, CARYNE  
MORENCY, individually and as supervisor, TRACEY  
LISSIMORE, individually and as manager, TAMIKA  
MCCOY, individually and as caseworker, FLORENCE UBA,  
individually and as supervisor, LEAKE & WATTS  
SERVICES, INC., LIANNE CLARK PARRIS, individually  
and caseworker, ZOLA VIOLA, individually and as  
supervisor, COALITION FOR HISPANIC FAMILY  
SERVICES, INC., CITY OF NEW YORK, and GLADYS  
CARRION, as Commissioner,

Defendants.

-----X

The defendant, TAMIKA MCCOY, individually and as caseworker, FLORENCE  
UBA, individually and as supervisor, LEAKE & WATTS SERVICES, INC., for its answer to  
the complaint of the plaintiffs, respectfully alleges:

**PRELIMINARY STATEMENT:**

1. Denies the allegations contained in paragraph "1".

**II. JURISDICTION AND VENUE:**

2. Denies knowledge or information sufficient to form a belief as to the  
allegations contained in paragraphs "2" and "3".

**III. CLASS ACTION ALLEGATIONS:**

3. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "4", "5", "6", "7", "8(all parts)" and "9(all parts)".

**IV. PARTIES:**

4. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "28", "29", "30", "31", "32", "33", "34" and "35".

5. Admits the allegations contained in paragraphs "22", "23", "24", "25", "26" and "27".

**IV. FACTS:**

6. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55", "56", "57", "58", "59", "60", "61", "62", "63", "64", "65", "66", "67" and "68".

**V. FIRST CAUSE OF ACTION:**

7. Answering the subdivision thereof numbered "69", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

8. Denies the allegations contained in paragraphs "70", "72", "73(all parts)", "74", "76", "77", "78", "79" and "80".

9. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "71" and "75".

**VI. SECOND CAUSE OF ACTION:**

10. Answering the subdivision thereof numbered "81", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

11. Denies the allegations contained in paragraphs "82", "83", "84", "85", "86" and "87".

**VII. THIRD CAUSE OF ACTION:**

12. Answering the subdivision thereof numbered "88", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

13. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "89", "90", "91", "92" and "93".

**VIII. FOURTH CAUSE OF ACTION:**

14. Answering the subdivision thereof numbered "94", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

15. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "95", "96", "97", "98", "99" and "100".

**IX. FIFTH CAUSE OF ACTION:**

16. Answering the subdivision thereof numbered "101", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as

if again set forth at length herein.

17. Denies the allegations contained in paragraphs
18. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "102(all parts)", "103" and "104".

**X: SIXTH CAUSE OF ACTION:**

19. Answering the subdivision thereof numbered "105", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

20. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "106", "107" and "108".

**XI. SEVENTH CAUSE OF ACTION:**

21. Answering the subdivision thereof numbered "109", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as if again set forth at length herein.

22. Denies the allegations contained in paragraphs "110", "111" and "112".

**XII. EIGHTH CAUSE OF ACTION:**

23. Answering the subdivision thereof numbered "113", repeats and reiterates each and every denial or admission hereinbefore made with the same force and effect as

if again set forth at length herein.

24. Denies the allegations contained in paragraphs "115" and "116".
25. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "114".

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE:**

\_\_\_\_\_ The Amended Complaint, or several causes of action therein, fails to state a claim upon which relief can be granted.

**AS AND FOR AN SECOND AFFIRMATIVE DEFENSE:**

The Amended Complaint, or several causes of action therein, in whole or in part, are barred by the applicable statute of limitations and repose.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE:**

Plaintiffs' and putative class members' claims are barred by the equitable doctrines of laches, waiver and/or estoppel.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:**

Plaintiffs' cannot meet their burden to satisfy the strict requirements for certification of their putative class or subclasses under FRCP 23.

**AS AND FOR AN FIFTH AFFIRMATIVE DEFENSE:**

Plaintiffs' and putative class members claims are barred, in whole or in part, because Plaintiffs and putative class members have an adequate remedy at law.

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**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

Defendants hereby give notice that they intend to rely upon any other defenses that may become available or appear during the proceedings in this case and hereby reserve their right to amend their Answer to assert any such defense. Defendants also reserve their right to assert other and related defenses as may become available in the event of a determination that this action, or some part thereof, if governed by the substantive law of New York or of any other applicable states' laws.

**AS AND FOR A FIRST CROSS COMPLAINT  
OVER AND AGAINST THE DEFENDANTS,**

**JOHN MATTINGLY, individually and as Commissioner, HELEN COLON,  
individually and as caseworker, CARYNE MORENCY, individually and as  
supervisor, TRACEY LISSIMORE, individually and as manager, LIANNE CLARK  
PARRIS, individually and caseworker, ZOLA VIOLA, individually and as  
supervisor, COALITION FOR HISPANIC FAMILY SERVICES, INC., CITY OF NEW  
YORK, and GLADYS CARRION, as Commissioner, THE ANSWERING  
DEFENDANTS, TAMMIKA MCCOY, individually and as caseworker,  
FLORENCE UBA, individually and as supervisor, LEAKE & WATTS SERVICES,  
INC., ALLEGES UPON INFORMATION AND BELIEF:**

That if the plaintiffs sustained injuries and damages as alleged in the complaint, through any fault other than the plaintiffs' own fault, then such injuries and damages were sustained due to the primary, active and sole fault of the defendants, as aforesaid, JOHN MATTINGLY, individually and as Commissioner, HELEN COLON, individually and as caseworker, CARYNE MORENCY, individually and as supervisor, TRACEY LISSIMORE, individually and as manager, LIANNE CLARK PARRIS, individually and caseworker, ZOLA VIOLA, individually and as supervisor, COALITION FOR HISPANIC FAMILY SERVICES, INC., CITY OF NEW YORK, and GLADYS CARRION, as Commissioner, and the fault, if any, of the answering defendants was secondary and passive only, and if the plaintiffs should obtain and/or recover judgment against the answering defendants, then the

defendants, as aforesaid, JOHN MATTINGLY, individually and as Commissioner, HELEN COLON, individually and as caseworker, CARYNE MORENCY, individually and as supervisor, TRACEY LISSIMORE, individually and as manager, LIANNE CLARK PARRIS, individually and caseworker, ZOLA VIOLA, individually and as supervisor, COALITION FOR HISPANIC FAMILY SERVICES, INC., CITY OF NEW YORK, and GLADYS CARRION, as Commissioner, shall be liable over to the answering defendants for the full amount of said judgment or for any part hereof obtained and/or recovered on the basis of apportionment of responsibility for the alleged occurrence as found by the Court or jury.

Further, by reason of this action, said answering defendants has and will in the future incur costs and expenses, including counsel fees.

**JURY DEMAND**

Defendants, TAMIKA MCCOY, individually and as caseworker, FLORENCE UBA, individually and as supervisor, LEAKE & WATTS SERVICES, INC., demands a trial by jury.

**WHEREFORE**, the defendants, TAMIKA MCCOY, individually and as caseworker, FLORENCE UBA, individually and as supervisor, LEAKE & WATTS SERVICES, INC., demands judgment dismissing the complaint against it and further demands judgment over and against the defendants, as aforesaid, JOHN MATTINGLY, individually and as Commissioner, HELEN COLON, individually and as caseworker, CARYNE MORENCY, individually and as supervisor, TRACEY LISSIMORE, individually and as manager, LIANNE CLARK PARRIS, individually and caseworker, ZOLA VIOLA, individually and as supervisor, COALITION FOR HISPANIC FAMILY SERVICES, INC., CITY OF NEW YORK, and GLADYS CARRION, as Commissioner, for the amount of any sums paid to the plaintiffs over and against their proportionate share as determined by the

apportionment of responsibility adjudged herein, together with costs and disbursements of this action and attorney fees.

Dated: New York, New York  
June 3, 2008

CALLAN, KOSTER, BRADY & BRENNAN, LLP

BY: \_\_\_\_\_

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